

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ROBERT SCHROEDER,

Plaintiff,

v.

ORDER

Civil File No. 21-1367 (MJD/LIB)

BLUE EARTH CO.,

Defendant.

Robert Schroeder, pro se.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated August 18, 2021. Plaintiff Robert Schroeder filed objections to the Report and Recommendation. It has been more than three months since the Court warned Plaintiff that his action would be dismissed unless he paid the initial partial filing fee or established that he has no means to pay a fee by filing his prison trust account statement or a financial certificate signed and verified by an authorized prison official establishing the average deposits of and balance to his prison trust account during the six months preceding the filing of this action. Plaintiff has

failed to pay the initial filing fee, and he has not submitted the required documentation. Therefore, this action is dismissed without prejudice, meaning that Plaintiff can file this action again if he either pays the filing fee or submits a complete IFP application.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Brisbois dated August 18, 2021.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated August 18, 2021 [Docket No. 4].
2. This action is **DISMISSED without prejudice** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 7, 2021

s/Michael J. Davis

Michael J. Davis

United States District Court